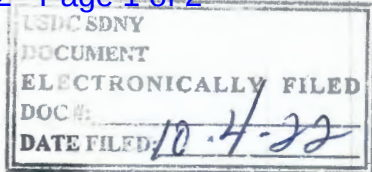


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October 4, 2022

MEMO ENDORSED

BY ELECTRONIC MAIL

Hon. Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Anthony Rapp v. Kevin Spacey Fowler a/k/a Kevin Spacey
Southern District of New York, Case No. 1.20-cv-09586 (LAK)

Dear Judge Kaplan:

As the Court is aware, we represent the plaintiff in the above-entitled matter. We write in response to Mr. Scolnick's letter of earlier today regarding exchange of exhibits and demonstrative aids to be used during opening statements.

Mr. Scolnick has proposed that parties exchange such materials by 5:00 p.m. Wednesday to "ensure transparency about exhibits to be shown to the jury during opening statements" and to "permit the Court and parties to resolve any objections on exhibits to be used during opening statements before they are shown to the jury."

In spite of these goals, Mr. Scolnick goes on to inform the Court that he wishes to show a PowerPoint presentation to the jury, which he proposes to provide to the Court for an *in camera* review, while simultaneously refusing to share it with plaintiff's counsel until the outset of his opening. This procedure would fly in the face of the reasoning set forth in his letter for early disclosure and would deny the plaintiff and the Court the very opportunity to resolve objections prior to openings which his letter promotes.

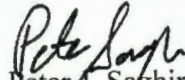
Accordingly, we have no objection to sharing exhibits and demonstrative aids by 5:00 pm tomorrow, but request that to the extent defendant intends to show a PowerPoint presentation or any visual display, such materials be included in tomorrow's disclosure.

GAIR GAIR
CONASON

RUBINOWITZ
BLOOM
HERSHENHORN
STEIGMAN & MACKAUF

Thank you for consideration of this issue.

Respectfully submitted,
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
HERSHENHORN, STEIGMAN & MACKAUF


Peter J. Saghir

All exhibits, depositions
for use in opening,
and Power Points for
opening shall be
exchanged by 5 pm
on October 5, 2022.

SO ORDERED


LEWIS A. KAPLAN, USDC

10/4/22